

### **REMARKS**

This is in response to the Office Action mailed on August 16, 2004, and the references cited therewith.

Claims 1-4, 7, 8, 10-21, and 25-27 are amended, no claims are canceled, and claim 28 is added; as a result, claims 1-28 are now pending in this application.

### **Application Publication**

This Application was filed on January 3, 2001 with a Nonpublication Request. On February 2, 2001, Applicant filed a Request to Rescind the Previous Nonpublication Request. However, it appears that the Application has not been published by the U.S. Patent and Trademark Office (PTO). Applicant's attorney contacted the Examiner via telephone to inquire about the reasons why the Application has not been published, and the Examiner confirmed that the Request to Rescind is on file at the PTO. Applicant believes that it has fulfilled its duty, in this regard, and anticipates that if any further action is required on Applicant's part, that the PTO will so inform the Applicant. Otherwise, Applicant anticipates that the PTO may publish the application in due course.

### **Claim Objections**

Claims 4 and 16 were objected to because of various informalities. Applicant has amended claims 4 and 16 in accordance with the Examiner's suggestions. Accordingly, Applicant believes that these objections have been fully addressed, and respectfully requests that the Examiner remove the objections.

### **§102 Rejection of the Claims**

Claims 1-5, 7-14, 17, 19-22, 24, and 27 were rejected under 35 USC § 102(e) as being anticipated by Zdepski et al. (U.S. 6,006,256). Applicant has amended claims 1, 8, 14, 17, 19, 20, and 27 (from which claims 2-5, 7, 9-13, 21-22, and 24 depend) to more clearly distinguish Applicant's claims from that which is disclosed in Zdepski et al. Accordingly, Applicant respectfully traverses the rejection.

Zdepski et al. disclose a broadcast station 50 (Fig. 1), which receives a transmission from a remote network 10. The transmission includes a combined signal that includes a trigger and a television signal. A trigger extraction unit 56 extracts the trigger and provides the trigger to an interactive program source 58. The television signal is provided to an A-V compression unit 64. These constituent parts are independently processed.

Applicant's claims 1-5, 7-14, 17, 19-22, 24, and 27 are distinguishable from that which is disclosed by Zdepski et al. in that Applicant's claims include at least the following distinguishing elements (claim language may vary slightly):

... hardware adapted to receive one or more first video streams that include video data and an encrypted interactive content code, wherein the hardware is further to produce a second video stream;

an interactive content code detector adapted to detect an interactive content code identified in the encrypted interactive content code . . .

(claims 1-5, 7, 19)

... encrypting an interactive content code, resulting in an encrypted interactive content code;

inserting the encrypted interactive content code into a first video stream, resulting in a second video stream with embedded interactivity . . .

(claims 8-13, 14)

... inserting an encrypted reference to an interactive content into a region of a first video stream, wherein the region is preserved by the broadcast facility, resulting in a second video stream with embedded interactivity . . .

(claim 17)

... local equipment, adapted to receive one or more first signals from a broadcast facility, wherein the one or more first signals include video data and one or more encrypted interactive content codes, and to produce a first video stream;

an interactive content detection unit adapted to detect an interactive content code identified within an encrypted interactive content code and to transmit a control signal responsive to detecting the interactive content code. . .  
(claims 20-22 and 24)

. . . inserting an encrypted interactive content code into a first component of a first signal alternate to a second component, which is used to convey interactive content;  
processing the first signal, to produce a second signal;  
detecting an interactive content code identified within the encrypted interactive content code in the first signal . . .  
(claim 27)

Zdepski et al. do not disclose the various elements of Applicant's claims 1-5, 7-14, 17, 19-22, 24, and 27. Accordingly, Applicant believes that claims 1-5, 7-14, 17, 19-22, 24, and 27 are in a condition for allowance. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-5, 7-14, 17, 19-22, 24, and 27 under 35 U.S.C. § 102(e).

### §103 Rejection of the Claims

#### Claims 6, 15, 18, and 23:

Claims 6, 15, 18, and 23 were rejected under 35 USC § 103(a) as being unpatentable over Zdepski et al. in view of Blackketter et al. (U.S. 6,415,438). Applicant respectfully traverses the rejection.

Blackketter et al. disclose that a trigger, broadcast along with a television video, may include a Uniform Resource Identifier. (col. 8, lines 5-15 and col. 1, lines 18-30) Blackketter et al. further disclose sending redundant triggers. (col. 7, line 60 through col. 8, line 15).

Claims 6, 15, 18, and 23 depend, respectively, from claims 1, 14, 17, and 20. As described in the preceding section in response to the §102 rejection of the claims, Zdepski et al. do not disclose various distinguishing elements of Applicant's independent claims 1, 14, 17, and 20. Further, neither Blackketter et al. nor the combination of Blackketter et al. and Zdepski et al.

disclose, suggest or motivate the elements of Applicant's claims 1, 14, 17, and 20, from which claims 6, 15, 18, and 23 depend. For these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 6, 15, 18, and 23 under 35 USC § 103(a).

Claim 16:

Claim 16 was rejected under 35 USC § 103(a) as being unpatentable over Zdepski et al. in view of Ciciora ("Modern Cable Television Technology"). Applicant respectfully traverses the rejection.

Ciciora discloses various information that may be carried in the vertical blanking interval (Section 3.3.5).

Claim 16 depends from claim 14. As described in the preceding section in response to the §102 rejection of the claims, Zdepski et al. do not disclose various distinguishing elements of Applicant's independent claim 14. Further, neither Ciciora nor the combination of Ciciora and Zdepski et al. disclose, suggest or motivate the elements of Applicant's claim 14, from which claim 16 depends. For these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 16 under 35 USC § 103(a).

Claim 25:

Claim 25 was rejected under 35 USC § 103(a) as being unpatentable over Zdepski et al. in view of Blackketter et al. and Ciciora. Applicant respectfully traverses the rejection.

Applicant's amended claim 25 includes at least the following distinguishing elements:

"... inserting a plurality of encrypted interactive content codes into different regions of data in a video stream to be broadcast to a plurality of local subsystems, wherein the interactive content codes correspond to an interactive content to be inserted into the video stream, and each region of data is preserved by at least one local subsystem."

Neither Zdepski et al., Blackketter et al., Ciciora, nor their combination disclose suggest or motivate the elements of Applicant's claim 25. For this reason, Applicant respectfully

requests that the Examiner reconsider and withdraw the rejection of claim 25 under 35 USC § 103(a).

Claim 26:

Claim 26 was rejected under 35 USC § 103(a) as being unpatentable over Zdepski et al. in view of Kaiser et al. (U.S. 6,615,408) and Ciciora. Applicant respectfully traverses the rejection.

Kaiser et al. disclose embedding a trigger in the vertical blanking interval (col. 6, lines 65-67 and col. 7, lines 1-4).

Applicant's amended claim 26 includes at least the following distinguishing elements:

"... inserting an encrypted interactive content code into a closed caption region of a video stream, wherein the interactive content code corresponds to an interactive content to be inserted into the video stream, and the closed caption region is preserved by at least one local subsystem."

Neither Zdepski et al., Kaiser et al., Ciciora, nor their combination disclose suggest or motivate the elements of Applicant's claim 26. For this reason, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 26 under 35 USC § 103(a).

*Replacement Sheet for Figure 1*

The previous version of Figure 1 inadvertently included the legend "(PRIOR ART)". Applicant considers the characterization of Figure 1 to be in error, because Figure 1 relates to a co-pending patent application, and not to prior art. Accordingly, the replacement sheet for Figure 1 excludes the legend. No new matter is introduced as a result of the replacement.

*Support for Claim Amendments and New Claim*

Support for the amendments to the claims and new claim 8 may be found in the originally filed application at page 26, lines 21-23, Figures 2, 4, and 6, and elsewhere. No new matter is introduced as a result of the amendments.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 480-538-1735 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC E. DEL SESTO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(480)538-1735

Date 16 DEC. 2004

By

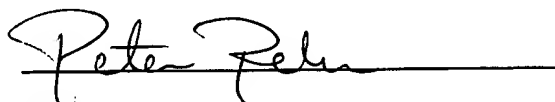


Sherry Schumm  
Reg. No. 39,422

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of December, 2004.

Peter Rebuffini

Name



Signature